

JUN 02 2010

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**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

UNITED STATES OF AMERICA,

V.

MISSY SMITH,

Defendant.

Case No. 7:05CR00028-017

(Case No. 7:09CV80202)

FINAL JUDGMENT AND ORDER

By: Glen E. Conrad

United States District Judge

For the reasons stated in the memorandum opinion entered this day, it is

ADJUDGED AND ORDERED

that the motion to dismiss is hereby **GRANTED**, and the motion to vacate, set aside or correct sentence, pursuant to 28 U.S.C. § 2255, is **DISMISSED** and stricken from the active docket of the court. Based upon the court's finding that the defendant has not made the requisite showing of denial of a substantial right, a certificate of appealability is **DENIED**.

The Clerk is directed to send copies of this judgment and order to the defendant and to counsel of record for the government.

ENTER: This 20 day of June, 2010

Ignacio Combarro

United States District Judge